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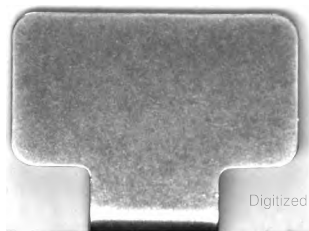
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REVIEW

OF

ANECDOTA SYRIACA.

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REVIEW.

Anecdota Syriaca. Collegit edidit explicuit J. P. N. LAND, Theol. Doc. Tom. I. Insunt Tabulæ xxviii. Lithographicæ. Lugduni Batavorum. 1862.

WE hail with pleasure the arrival of this handsome volume. Its editor, a young orientalist of great promise, and already favourably known by his *Dissertation upon the Ecclesiastical History of John, Bishop of Ephesus*, in which he was the first to call attention to the great value of the contents of that contemporaneous record, was sent to London in the autumn of 1857, at the expense of the Dutch government, and continued there nearly a year, occupied in examining the treasures of Syriac literature stored up in the British Museum, and in transcribing such manuscripts as seemed to him most worthy of his pains. The three intervening years seem to have been chiefly spent in studying the works with which he was thus enabled to enrich the library of the University of Leyden, and the liberality of the Warner trustees there has now enabled him to give to the world the first instalment of the rich harvest which he gathered.

As Dr. Land remarks, it is to the general advantage that the noble collections which have gradually accumulated at the British Museum should be examined by students of different nations; for as national character differs, that which is highly attractive to the learned of one country, is in danger of being thought of minor interest in another. While, therefore, English scholars have been chiefly interested in theological writings, he claims for the Germans broader views, and a philosophical preference for whatever tends to throw light upon the history of civilization in general. But while we allow that there is a certain amount of theoretical truth in Dr. Land's canon, we do not find it borne out by the facts. We owe to Dr. Cureton the *Ecclesiastical History of John of Ephesus*, and from a Syriac palimpsest he deciphered the oldest known text, by several centuries, of a considerable portion of the *Iliad* of Homer. On the other hand we know of no theological publication of modern times which can compete in interest or value with the treatise of Titus, Bishop of Bostra, or the *Didascalia Apostolorum*, edited by Dr. De Lagarde. But what is more curious, Dr. Land himself has not struck out into new ground, but followed in the tracks already marked out by others. Attention had already been called to the *Leges Sæculares*—the most valuable treatise in his present volume—by Mr. B. H. Cowper, who in his *Analecta Nicæna*, copied from this very manuscript, mentioned it as a "curious document." In the same author's *Syrian Miscellanies*, a translation may be found of the chronological extracts from Ad. MS. 14,643, of which Dr. Land has now given us the Syriac: while the volume which is to follow next in

order will contain such remains of John of Ephesus as have not yet been published, and will therefore only complete Dr. Cureton's labours.

Among the vast wealth however of the British Museum, Dr Land's view of the tendencies of the German mind settled at least his own choice: and thus his *Anecdota* consist chiefly of works of historical interest, and such especially as throw light upon the fortunes of the Syrians themselves. Besides fragments, therefore, of other parts of John of Ephesus' history, he has transcribed a volume by the same author containing the lives of oriental saints, the title of which Dr. Cureton had previously given in the preface to his edition of the History. Next follows a *Historia Miscellanea*, to the publication of which we look forward with interest: for it contains the Syriac version of the once famous work of Zacharias, Bishop of Mitylene, of which we have more than once heard mention as existing among the Nitrian manuscripts: the short chronological record styled "the History of the Chaliphs," but to us most interesting from the notices it contains of the early councils, follows; then the secular laws; the maxims of the sage Menander; and, finally, a few leaves written in the Syro-Palæstinian character, and containing portions of a Psalter. More than a hundred leaves, in all, written in the same character, were brought from Egypt by Dr. Tischendorf in his last two journeys to the East, and have been lent to Dr. Land by the liberality of the Russian Government. They contain two books of Gospels, and some Homilies, and their publication would be of value, not so much from their contents as from the light they might throw upon the dialect spoken in Palestine: the classical Syriac being that of the regions eastward, and Edessa its headquarters.

In the present volume we have the Syriac text, and a Latin translation of the book of the Chaliphs, the secular laws, the maxims of Menander, and also a brief history of the St. Thomas Christians of Malabar, from a manuscript in the library of the University of Leyden. There is, further, a short excursus upon the "Laws of various nations," ascribed by Dr. Cureton in his *Spicilegium* to Bardesanes, but which Dr. Land considers, from internal evidence, to have been written by his disciple Philip. In a second excursus he argues that the extract from Melito was not taken from the *Apology* of the venerable Bishop of Sardes, but from his treatise *De Veritate*. For ourselves we own to the greatest doubt as to its being the work of the Bishop at all. Cave praises Melito as "doctrina clarus," and Tertullian says that the Christians regarded him as a prophet. But after reading the extract in question, we own to a feeling of great relief on finding the author called, in the heading, "Melito the Philosopher;" whereas in the three extracts expressly ascribed in the titles to the Bishop of Sardes, we think we can discern that "elegans et declamatorium ingenium," for which Tertullian again praises him, and of which we can find no trace in this frigid oration. We may add that the early Christians were famous for their knowledge of the Old Testament, and that Melito especially was remarkable for a work in six volumes, containing extracts from the

Bible, in the preface of which is that list of its contents which gives us the earliest knowledge of the sacred canon. Let any one remembering this read the account of Elisha in p. 44, and we think he will grant that the Melito who wrote this extract had but a very shallow and second-hand knowledge of the Scriptures: and so of the account of the deluge,—the flood of Noah is put in p. 51 on just the same level with a previous “flood and wind, when the chosen men were destroyed by a mighty north wind, and the just were left for a demonstration of the truth.” No Christian wrote this, but some eclectic philosopher, who had at most a very slight knowledge of the Bible, and who might very well hold a place in the same volume as the Gnostic Bardesanes. For we must call attention to the fact that the extracts which really belong to the Bishop of Sardes are taken from a very different manuscript.

Next in order we have a most valuable dissertation upon Syriac Palæography; containing an account of their manner of writing, the materials they employed, their ink, pens, parchment, paper, etc.; and in which Dr. Land makes it appear probable that the Syrians occasionally made use of quills. We have ourselves seen a copy of the Gospels brought from Malabar, in which are rough drawings of the four evangelists, each with his ink-horn hanging from the mouth of some animal, while in his hand he holds a veritable pen, with the feathered part so clearly drawn that mistake is impossible. The manuscript is not ancient, but these things are so often copied from generation to generation, that the drawings may be taken from something of greater antiquity.

We think it just possible then that the Syrians did sometimes perhaps write with quills; but when Dr. Land goes a step farther, and denies them the use of the reed, we are obliged to halt. His words are:—“Nec video qua ratione calami usum, dum huic homini abjudicamus, ejus collegis tribuere cogamur.” We turn therefore to the *Nomenclator* of Elias Barsinæus, fraudulently published under the name of Thomas a Novaria. In p. 165 we have a list of the imple-

ments used by the scribe. Among them we have ܥܠܡܐ ܕܥܠܡܐ *calamus scribæ*, the scribe's reed, but not a word about quills. We next turn to our own private collections from the *Bibliotheca Orientalis*, and find nothing under the Syriac equivalent for pens, but two passages proving the use of the reed. The first is taken from a *Homily upon the Lord's Supper* by S. Isaac the Great, a writer of the fifth century,

and will be found in *Bib. Or.*, i., 220, col. b, as follows: ܥܠܡܐ ܕܥܠܡܐ

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upon the wall of his cell an account of the vision which had appeared unto him."


We have also been told that the Nestorian priest from Oroomiah, who spent a portion of last year in London, very much disliked the use of the quill, and wrote with a reed. Nor did he approve of our ink, but preferred lampblack mixed with a solution of gum. Our own eyes also convince us that Syriac manuscripts were written with the reed. No quill could continue page after page writing with the same exactness, and with every letter so truly formed, that no printing could be more easy to read wherever time has spared its ravages. But even more conclusive are the rapid scrawls often found in the fly-leaves of manuscripts, and recording the, no doubt, interesting fact to the writer that he once saw, and occasionally that he had even read, the "blessed book." The lines of these could only have been made with the reed. And, in short, the interesting, and we may add surprising, fact which Dr. Land has discovered is that the Syrians ever used quills at all.

It is a notion of grammarians that though the Syrians read from right to left, yet that they wrote from the top of the page to the bottom, turning the parchment sideways. In proof of this Hoffmann gives a very respectable list of authorities in p. 72, of his *Grammar*; and Dr. Land has found a curious confirmation of the idea in a manuscript of the sixth century. One or two Greek words which occur in the Syriac, are there written vertically instead of horizontally, as if the scribe had been too lazy to turn his parchment round. Upon this subject we should like to know whether the custom was general, or confined to one school of calligraphers. Certainly the priest referred to above, from Oroomiah, wrote like an ordinary mortal. But the writing of Syriac, especially in the older characters, was a very slow and laborious process, and probably no manuscripts exist in the world more beautifully and carefully executed than Syriac: and though we should require strong proof to convince us of the general prevalence of this vertical method of writing, yet we readily allow that some families of scribes may have adopted some such practice. In the colophons we frequently find testimony to the difficulty of the scribe's office; often they speak as if borne down by a sense of utter weariness, and declare that the sight of the last line fills them with the same delight as the sight of land gives to the storm-tost sailor. And we remember one copyist who says, "It was a wise man who said that it is easier to write with stones upon men's backs, than to transcribe the lines of a book."

Of the manuscript in which these vertical specimens of writing occur Dr. Land gives us a lithographed specimen, and we can safely affirm that nothing can be much more beautiful or interesting to a palæographer than the lithographs with which this book is adorned. Besides the frontispiece, in which are facsimiles of four Syriac manuscripts belonging to Dr. Lee, of Hartwell House, there are twenty-seven plates executed with great skill, and containing extracts from more than one hundred and twenty codices in the British Museum.

The facsimiles from Hartwell are interesting as giving us specimens of that interlaced work so familiar to Syriac students, but which Professor Westwood, in his *Palæographia Sacra Pictoria*, declares to be equally characteristic of Anglo-Saxon and Irish manuscripts. It consists of ribbons intertwined in a great variety of intricate patterns, and is sometimes delicately, but more frequently coarsely, drawn; and is almost the sole ornament ever found in Syriac books.

The manuscripts from which Dr. Land has copied his facsimiles are mostly of an ascertained date, and are therefore a very valuable aid towards fixing the relative period at which others, of which the colophons have perished, were written. And as time has generally been most busy with his ravages at the beginning and end of books—for, in the ages of neglect, while their outsides were exposed to dirt and violence, their insides were left alone—many of our most valuable manuscripts have lost their titles and endings: but by the aid of these well-executed lithographs it will be less difficult to arrive at a trustworthy conclusion as to the age to which they may be referred.

Omitting dialectic varieties, Dr. Land has shewn that there are four chief alphabets in use among Syriac scribes. Of these the first and oldest is the Estrangelo, probably so called from being the character in which the gospels were copied, ; but gradually forms less difficult to write were adopted, and a middle-ancient style grew into general use, which in process of time was modified, until in comparatively modern manuscripts the Maronite or simple character prevail. To the title of Nestorian, as applied to the middle-ancient or "Meiocene" style, Dr. Land objects with some reason; but his words as applied to the drawers up of the short catalogue in the British Museum are founded upon a mistake. Speaking of a Jacobite lectionary, he says, "*Minime ut somniant catalogi autores* (p. 42), *characteres antiquo Nestoriano.*" But the authors of the catalogue did not mean, as Dr. Land seems to have concluded, that it was a Nestorian work, or written by a Nestorian scribe, but that it was in the character next in antiquity to the Estrangelo, and technically called Nestorian. Dr. Land calls attention to the fact that the remnant of Nestorians upon the lake Oroomiah still use a somewhat similar alphabet, and that the American missionaries have adopted it in their splendid edition of the Scriptures printed there; and to this he thinks the title of Nestorian should be confined. But he also notices that the St. Thomas Christians in Malabar use the same character, and doubtless he is aware that they are not Nestorians but Jacobites.

The Syrians are also in the habit of writing other languages in their own alphabet, just as the Jews use Hebrew letters for all tongues indifferently, and have done so from the time of Maimonides to the present day. They call this Carshun, and though not confined to Arabic, yet from the prevalence of that language in Asia, we more frequently find it so written than any other tongue. Nothing is more common in great libraries than copies of portions of the Scriptures,

especially Psalters written in double columns, of which one contains the Peschito, and the other an Arabic translation. But we have also seen in the Bodleian Turkish works written in Syriac characters, and that being now the state language in the Asiatic dominions of Turkey, the priest, mentioned above, from Oroomiah used to write Turkish also in Syriac letters. Of this style of writing Dr. Land says, "*Karsunicam scripturam quis quando invenerit, et nominis originem nescio.*" We find, however, in the preface to the *Syriac and Arabic New Testament*, edited at Rome, A. 1703, by Faustus Naironius, that that learned Maronite ascribes its invention to a native of Mesopotamia, who finding that the Syriac Christians there were losing their knowledge of their native tongue, owing to the necessity of using Arabic in their business transactions, while they retained the use of their own alphabet, began to affix to their copies of the Scriptures an Arabic version commended to them by the retention of their own venerated characters. From that day this mode of writing has borne his name: and as Gabriel Sionita and the Assemani (*Bibl. Med. Laurent. et Pal. Codd. Cat.*, p. 51; *Bibl. Vat. Codd. Cat.*, ii. 23) accept this statement, it comes to us at least respectably accredited.

But it is time to proceed to the works, of which both the original and a translation are contained in this volume. Of the principle of attaching such a translation to the Syriac we highly approve, but regret that we are compelled to find serious fault with its execution. In the present state of Oriental studies, works edited simply in the original tongue can scarcely be regarded as more than materials made available for future use. Probably not a hundred persons have read the very valuable treatises edited with scrupulous exactness by Dr. De Lagarde. But in the present state of Syriac lexicography the labour of translation is very severe, and the qualifications which would suffice for rendering with tolerable accuracy a Greek or Latin author, where every word is explained in lexicons, and every difficult passage buoyed by notes and commentaries, are inadequate when the translator is the first explorer of new ground, and finds in every half-page words unknown to dictionaries. All this we would bear in mind; but nevertheless we feel that Dr. Land has not always taken reasonable pains with his renderings, and especially that he has not a proper respect for the rules of grammar. Mistakes in the meaning of single words we think lightly about; but Syriac grammar is so exact, and defines so clearly the forms of its rich variety of nouns and adjectives, and the like, that it gives no excuse for its violation or neglect. And engaged as Dr. Land is upon a very important work, which must form a part of the library of every Syriac scholar, we trust in his next volume that he will give proofs of a more careful attention to that accuracy which we think we have a right to expect.

To shew that our strictures are not unfounded, we will bring forward a few specimens of the inexactness of which we complain. Already then, in the second page, we have the title and first ten lines of the Hexaëmeron of James of Edessa, and in it occur these words, ܕܡܪܝܢ

ܡܠܟܐ ܒܠܐܡܢܐ: ܫܡܥܬܐ ܒܠܐܡܢܐ ܕܝܚܝܐ: ܕܠܡܥܬܐ
ܠܡܠܟܐ ܕܠܐܡܢܐ. They are addressed by a certain Constantine,

at whose request the work was written, to James, and mean, It is thy duty as preceptor to speak: and that of my infirmity of mind, i. e., of my humble self, to hear and receive and understand. But Dr. Land renders:—Et tuæ (intelligentiæ) preceptor qui locutus es, et per potentiam mentis meæ quæ audivit et recepit et consideravit. This is not the first thing in this short extract which we should render differently from Dr. Land, but we quote it because, besides giving a wrong meaning to ܠܡܠܟܐ, it violates grammar. His rendering, whatever it may mean, would only be possible if the Syriac read ܡܠܟܐ, ܡܠܟܐ, ܡܠܟܐ.

But let us proceed to the appendix, in which the Syriac text of Dr. Land's works will be found. Passing over minor matters we find in page 6 the statement, that Jovinianus gave up Nisibis, and Armenia with its dependencies ܠܡܠܟܐ, which Dr. Land translates huic mandanti, and compares the Talmudic word ܡܠܟܐ, *mandatum*. We will not debate ܡܠܟܐ, though its meaning rather is, "leave or licence given to do anything;" but Buxtorf does give a passage where he renders it "regis mandatum," though we think the meaning is, "the king's licence or permission;" but will confine ourselves to the Syriac. The words are "He gave up ܠܡܠܟܐ ܕܠܐܡܢܐ ܕܠܡܠܟܐ ܕܠܐܡܢܐ." Now we have no hesitation in saying that ܠܡܠܟܐ can have nothing to do with ܡܠܟܐ, a fem. pronoun referring to Armenia. Had the construction been as Dr. Land supposes, the genius of the Syriac language would have required that the pronoun should be repeated; and the scribe would have given the good Syriac word ܠܡܠܟܐ, instead of searching the Talmud for an exotic. The word can only be a dative after the verb to *give*, and must, therefore, be an equivalent for the other dative ܠܡܠܟܐ put immediately after the verb. And this lands us on safe ground at once; ܠܡܠܟܐ is the Persian evil demon Ahrimanes,—The sting of the sentence is in its tail. A Christian emperor gives up Christian towns to the Persians, to Ahriman. Constantly we find the writers of those days regard the struggle between the Romans and the Persians as a personal strife between the true and the false God. We grant that Ahriman is more frequently written ܠܡܠܟܐ, but the Syrians add on or omit an olaph without scruple; and we remember having at least once met with the form ܠܡܠܟܐ, in *Assem. Act. Mart.*, i., 228, l. 2.

In page 19 we have an account of the council of Gangra, which among other things condemned those who forbade the use of meats. Dr. Land (page 118) renders their canon as follows: "Ab illo jam tempore quum Deus Aaronem sacerdotum (? sacerdotem) constituit, qui

manu dextra et maxilla et humilitate gregem pavit, et ad Eli sacerdotem usque, sacerdotes Israelis carnibus vescebantur." Surely if Aaron fed his flock with his right hand, he might have spared them the jaw: and if he plentifully used both hand and jaw, we do not think that they would have said that he fed them with humility. Nor can we call to mind any part of Scripture where Aaron is said to have fed a flock at all: and if he had, we do not see what bearing his feeding with his right hand and jaw could have upon the question of eating meat. It may seem incredible that instead of these extraordinary words the Syriac simply quotes Deut. xviii. 3. It is true that Dr. Land makes two alterations, changing ܐܠܝܝܢ into ܐܠܝܢ, and ܐܠܝܢ into ܐܠܝܢ. The former he gives as an emendation, the latter was probably a *lapsus calami*, writing a familiar for an unfamiliar word. The passage therefore really means: "From the time that God assigned to Aaron the high priest the right shoulder, the cheek, and the maw, to the days of Eli the priest, the priests of Israel ate flesh."

We must acknowledge on Dr. Land's behalf that ܐܠܝܢ occurs in no lexicon; but in spite of the broader views of the Germans, we might reasonably expect a knowledge of the Pentateuch in a Syriac scholar.

We have a private canon of our own, but founded upon a very wide induction, that emendations of the text are a confession that the editor does not understand what the author wrote. How much bad Greek and worse Latin we should have been spared, had editors instead of condemning the author distrusted themselves! Except obvious mistakes of spelling, we utterly disbelieve in all corrections. Without going quite so far as Dr. De Lagarde, who, if he finds a letter unfinished in the original, mutilates the type so as exactly to represent it, we would nevertheless say to every translator, If your version requires any emendation of the text, depend upon it your version is wrong. And to editors we would give similar advice, If you cannot understand what the manuscripts give you, the fault lies not in them, but in your own muddled brains. However, we grant that Dr. Land is not often troubled with this demon of emendation, but that his Syriac text may be well and accurately done.

We may notice, however, one other instance. In page 65 of the Appendix, Dr. Land alters ܐܬܬܐܢܝܢ into ܐܬܬܐܢܝܢ: but ܐܬܬܐܢܝܢ is a very dubious word. It may exist, but we defer our belief in its existence until proof thereof is adduced. For the present we are contented with the strong opinion that the Syrians used for it the Ettaph. ܐܬܬܐܢܝܢ. But no emendation is necessary. Menander in the place in question recommends any father who has a worthless son to make a gladiator of him. "Put sword and knife in his hand, and pray that he may soon get killed." Now when the empire became Christian all persons connected with the theatre, the stadium, and the hippodrome, became *infames*: they lost their civil rights, and could not even make a will. Numerous proofs of this occur in the *Leges Sæculares*. Now we can-

transaction are expressed by different words, and ܡܚܬܐ does signify *price*, but does not signify *reward*. "To buy a price" is not sense, nor can it refer, as Dr. Land thinks, to the cruel punishments which were the rewards in ancient time of adultery, because the word does not signify reward. But the Syriac is clear. The verb ܡܚܬܐ requires ܐ after it, and it is only because ܐ requires the same construction as the Latin *ut*, that you can have ܡܚܬܐ in the indefinite tense. The translation is: Why wish to buy rotten and polluted waters? And for proof that *waters* is an ordinary euphemism for adultery, one quotation may suffice, Prov. ix. 17.

We shall content ourselves with one passage more. In page 72, we read: ܡܚܬܐ ܡܚܬܐ ܡܚܬܐ, which Dr. Land renders, *oves audaces, reddit nutritio*. He further gives a learned note to prove that ܡܚܬܐ might mean in Arabic *the giving suck*: but he has not given any proofs from natural history of so remarkable a phenomenon as that giving suck makes ewes audacious. We recommend the subject, however, to the Carolinians, whom Mr. Russell in his *Diary* describes as ransacking nature for the names of ferocious animals with which to adorn their regiments; why not call one of the fiercest "The suckling ewes?" Now, whatever ܡܚܬܐ may be in Arabic, it is a common word enough in Syriac. It occurs, for instance, in the Epistle of St. James. Asseman (*B. O.*, i., 113), renders it *contradictio*, and we venture to suggest that the passage means, contradiction irritates sheep; or in the vernacular, contradiction would irritate a lamb. If Dr. Land will search in Proverbs for what Solomon says of ܡܚܬܐ, a word from the same root ܡܚ, he will own that the ancients did dislike being contradicted; for better, he says, it is to sit alone on the corner of the roof than to dwell with a contradictory woman; for she is as bad as the continual dripping of water through the roof on a wintry day.

We have often noticed in Dr. Land this tendency to neglect the obvious for the obscure. Already we have had ܡܚܬܐ, and in page 9, we read: ܡܚܬܐ ܡܚܬܐ ܡܚܬܐ. Now ܡܚܬܐ is even a more common word than ܡܚܬܐ, being the plural contract form of ܡܚܬܐ, *a branch*, and we will own that we should have been content with rendering the passage, *ashes made from branches of the olive or palm*. Not so Dr. Land: he sees in ܡܚܬܐ the Greek word *συκή*, *a fig-tree*. True, the Syriac has a word of its own for fig-tree, namely, ܡܚܬܐ; and captious-minded people might object that it is very improbable that the ashes of so foul-smelling a plant as the fig should be used in a religious rite along with those of the olive and palm; but we

must own ourselves to a feeling of admiration at the ingeniousness of the rendering.

We make these remarks unwillingly, and through no desire to depreciate Dr. Land's labours; on the contrary, we consider his *Anecdota* a most valuable addition to our stock of Syriac literature, and should greatly regret to find in the succeeding volumes the same marks of carelessness as are visible in that which we have now before us. We are quite aware that Dr. Land has no easy task; it is much the same as if any one had to translate for the first time the *Timæus* or *Menander*, with the aid of Schleusner's *Thesaurus* only. Or rather worse: for Schleusner does give all the words in the Septuagint with satisfactory explanations, while Castell not only omits numerous words altogether, but in all difficult passages contents himself with Gabriel Sionita's renderings, which, after a careful study of the Peshito, we are bound to say are habitually wrong, and only accidentally and occasionally right. Nothing, therefore, that we have said militates against the expression of our honest conviction that Dr. Land has rendered a great service to Syriac scholars; we may also add that typographical errors in the Syriac are few, though fairly abundant in the Latin; but we do consider that to make him a skilful and competent editor he stands in need of a somewhat more extensive course of Syriac reading. Had he, for instance, read the Pentateuch with an interleaved lexicon at his side, to say nothing of ܐܠܠܗܝܡ, he never could have written in p. 64 "ܐܠܠܗܝܡ statu simplici nusquam inveni;" for he would have found ܐܠܠܗܝܡ, Deut. xxxii. 12; ib. 21, ܐܠܠܗܝܡ, while other writers would have given him, *usque ad nauseam*, such phrases as ܐܠܠܗܝܡ ܕܐܠܠܗܝܡ; ܐܠܠܗܝܡ ܐܠܠܗܝܡ, etc.

We would especially notice the "Secular Laws" as worthy of an attentive perusal. It is probably not so old as Dr. Land imagines; for the volume from which it is copied is made up of portions of four different manuscripts, and we observe that Mr. Cowper considers that of these only one belongs to the sixth century (*Anal. Nicæn.*, iv.) It is, however, highly interesting, and throws great light upon the legal relations and every day life of the Aramaic subjects of Rome. The mutual rights of husband and wife, parent and child, freeman and slave, are clearly set out, and after comparing it with the *Nomo-canon* of Bar-Hebræus, we find this distinctive difference, that Bar-Hebræus's work is a digest of such ecclesiastical canons chiefly as affected civil rights, while the present treatise is occupied with the rescripts of the Roman emperors. Leave is occasionally given to appear before the bishop or clergy, as a cheaper process for some legal act than application to the civil courts, but otherwise no reference is made to them. As these laws are adapted to the use of the Syrians, they contain much incidental information concerning their habits, and thereby throw light upon passages of Holy Scripture. St. Paul's command to the bishop to be the husband of one wife is illustrated by several allusions to poly-

gamy as a still existing institution, especially in the form of an inferior wife with no dower or marriage contract, but with her position protected by law, and her children legitimate and entitled to inherit. We find also excellent laws about debts, including a "statute of limitation," and what struck us as very curious, an account of the legal rights of the owners of "flats." It is amusing to find how utterly unintelligible these flats are to Dr. Land, who, in a note, p. 193, wonderingly asks, How can the stories of the same building belong to different owners? Nor can he imagine such a state of things possible except where the houses were built on the side of a hill, so that the stories could face different ways, and each owner enter from the street. Such houses we remember having seen in Leith-walk, Edinburgh. The mystery of a "common stair," with its Scotch correlatives of a "main-door" and a "self-contained" house, are evidently things with which Dr. Land is unacquainted, and they are only recently being brought to the knowledge of English people by Victoria Street, Westminster, and the colonies of poor industrials in Bethnal Green. Had he, however, visited Vienna, he would have found the system flourishing in its utmost vigour, and we remember being told of a house there which contained more than two thousand dwellers under its roof, and probably was owned by three or fourscore people, while the massive pile of buildings on the top of the mound at Edinburgh, recently, we believe, destroyed by fire, did not furnish accommodation probably for many more than half that number, and had proportionately fewer owners.

In house property, therefore, the maxim does not always hold good, that *Cujus est solum, ejus est cælum*: for if a man build a house in flats he may sell each one separately, and the mutual rights of the owners are regulated by established legal usages, and the obligation made compulsory of each one maintaining his flat in substantial repair. It is very curious to find the same customs existing in the far East, but we can easily understand that in the walled frontier towns, such as Dara and Nisibis, space was precious, and that necessity soon invented means of adapting their lofty habitations to the means of the many who needed a modest dwelling. What strikes us as distinctive is, that the law not only gave the owner of the lowermost portion power to repair the superincumbent stories, if after legal notice the owners neglected so to do, and could recover principal and interest of the expenses so incurred; but that the upper stories were compelled to contribute a fixed proportion to the repairs of the ground-floor. Why was this? Were the foundations so weak that constant repairs were necessary, and the expense so heavy that without such contributions no one would be found to accept the ownership of a freehold so burdened? Or were they tenanted as the cellars of Liverpool once were by the Irish of those days, who whatever they might possess, were quite sure to be utterly destitute of capital?

But it is time to draw our remarks to an end, and we will, therefore, content ourselves with one more extract from this interesting book. It refers to the question so eagerly debated by some in the

present day, of the propriety of marriage with a deceased wife's sister. We give it for what it is worth, reminding the reader that the treatise contains only secular laws, and not those founded on the canons of councils, and confessing our ignorance as to the amount of illustrative matter that might be found in the works of the later Roman lawyers upon the Pandects of Justinian. The passage occurs in p. 57 of the Appendix, and is as follows :

"The laws forbid a man to marry his brother's wife, and a widow may not marry her husband's brother ; nor again may a man whose wife is dead marry his deceased wife's sister, thereby marrying two sisters. And these things the laws decreed because of the wicked acts perpetrated by many under the influence of lust ; as, for instance, there was a man who was in love with his brother's wife, and the two conspired against the husband, and murdered him. And a woman, again, was in love with her husband's brother, and the two conspired against him and murdered him. And, again, a man was in love with his wife's sister, and the two conspired, and from envy murdered the wife ; and a woman, again, was in love with her sister's husband, and they murdered her sister. Because of such wickedness, the law put an end to marriages of this kind, and commanded as to all such as were guilty of them without special permission from the emperor, that their children and such of their relatives as assented to the marriage, should be unable to inherit their property. But in case there have been no previous fraud or wickedness, and the marriage be suitable, then shall the man present a petition to the emperor, and by his command he may take as wife the relict of his deceased brother, or his deceased wife's sister, as the case may be, and by virtue of the emperor's rescript the children will inherit."

With this extract we conclude our remarks, and trust that before long we shall be able to welcome the second volume of Dr. Land's *Anecdota*, in which he promises to give us such remains of John of Ephesus as still remain unpublished.

R. P. SMITH.

